THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No. 7597 of 2004

Date 14-09-2006

Between:

APSRTC rep. by its M.D.

..... PETITIONER

AND

The State Transport Appellate Tribunal, Manoranjan Complex, M.J. Road, Nampally, A.P. Hyderabad and others.

.....RESPONDENTS

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION No.7597 of 2004

O R D E R :

Heard both sides.

This writ petition is filed by the Andhra Pradesh State Road Transport Corporation questioning the order dated 07-11-2003 in A.P.No.95 of 2003 on the file of the State Transport Appellate Tribunal, A.P. Hyderabad, whereunder the order passed by the Regional Transport Authority, Nellore dated 19-12-2002 rejecting the application of the third respondent herein for grant of pucca stage carriage permit on the town service route Venkateswarapuram to Kalakarula Colony was set aside.

It is to be noted that the appeal (A.P.No.95 of 2003) was allowed by the Tribunal following the Full Bench decision of this Court in **APSRTC v. State Transport Appellate Tribunal**[1], whereunder it was held that there was no prohibition for grant of permits to ply town services though the route in question overlaps on the notified mufussil route.

When the matter is taken up for consideration, it is brought to my notice by the learned counsel for both the parties that the decision of the Full Bench was reversed by a Constitutional Bench of the Supreme Court in **APSRTC v. Regional Transport Authority and another**[2], holding that under Exception 2 contained in the Note appended to the Scheme permits can be issued only to the existing town services operating in the notified routes which means

only existing operators on the notified routes are eligible for permits and fresh applicants or future applicants are totally ineligible for granting permits for town services operating on notified rates.

It is submitted by the learned counsel for the petitioner that since the appeal was allowed by the Tribunal merely relying on the decision of the Full Bench of this Court and without going into the merits of the case, the matter requires reconsideration. The learned counsel for the third respondent does not dispute the same.

Accordingly, the impugned order dated 07-11-2003 made in A.P.No.95 of 2003 by the State Transport Appellate Tribunal, A.P. Hyderabad, is hereby set aside and the writ petition is allowed remanding the matter to the Appellate Tribunal for consideration afresh on merits and to pass appropriate orders in accordance with law after hearing both sides. The Tribunal is further directed to dispose of the appeal, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. Till such time, status quo obtaining as on today shall be maintained. No order as to costs.

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14-09-2006

usd

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[1] 2001(2) ALT 532 (FB)

[2] 2005(4) SCC 391